

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

TERRY W. ROSS,)	
)	
Petitioner,)	
vs.)	NO. CIV-07-0449-HE
)	
SEDGWICK COUNTY DISTRICT)	
ATTORNEY'S OFFICE,)	
Respondent.)	
<u>ORDER</u>		

Petitioner Terry Ross, a *pro se* prisoner, instituted this action pursuant to 28 U.S.C. § 2241, challenging a state detainer filed against him. Pursuant to 28 U.S.C. § 636(b)(1)(B), this matter was referred to Magistrate Judge Valerie K. Couch, who recommended that the petition for writ of habeas corpus be dismissed without prejudice to refiling.

Petitioner has not objected to the Report and Recommendation and, therefore, has waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1); LCvR 72.1(a). The court has also considered the merits of the action and substantially concurs with the Magistrate Judge's analysis.

Accordingly, the court **ADOPTS** the Report and Recommendation and **DISMISSES**, without prejudice to refiling, the petition for writ of habeas corpus.

IT IS SO ORDERED.

Dated this 31st day of May, 2007.



JOE HEATON
UNITED STATES DISTRICT JUDGE